

24 transmittable through normal sexual reproduction of the transgenic maize plant to subsequent generation plants.

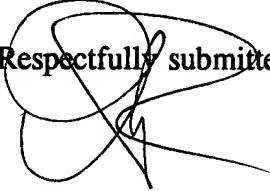
**REMARKS**

Claims 47, 61, 64 and 67 have been amended, and claim 59 canceled. Claims 2-4 and 47, and 50-58 and 60-67 are currently pending in this case.

The foregoing amendments are sought in order to simplify and remove issues from the appeal filed concurrently herewith.

Also enclosed are various references believed to be exemplary of the references being relied upon by the Examiner in the Final Action. The Examiner was contacted and agreed to consider these references in the context of the filed Appeal Brief. It is requested that these references be made of record.

Respectfully submitted,

  
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